



W.P(MD)No.1954 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.1954 of 2024

A.Chandra Bose

..Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Mudukulathur Taluk,
Ramanathapuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to issue legal heir certificate to the petitioner on the basis of the petitioner's representation dated 23.01.2024.

For Petitioner : Mr.M.Muniasamy

For Respondents : Mr.P.Thambidurai
Govt. Advocate



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ORDER

The petitioner seeks for issuance of a Writ of Mandamus to direct the second respondent to issue legal heir certificate to him based on his representation dated 23.01.2024.

2. Mr.P.Thambidurai, learned Government Advocate takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner's uncle Krishnan and his wife Valavandal had no child and hence, they were taken the petitioner and his brother Aridass as their adopted sons and the same was registered in Doc.No.29/1991 on the file of the Sub Registrar, Muthukulathur. Thereafter, on 30.05.2003, his father died leaving behind his wife Valavandal and the petitioner and his brother. Thereafter, on 29.12.2005, his step mother died. The petitioner and his brother have been enjoying their father Krishnan's land. The said land was acquired to the Harizon Welfare Department for their purpose. However, till date, they are not used the said land and not given compensation to the petitioner. While so, based on the false informations, the legal heir certificate, which was already received by the



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petitioner, was cancelled by the first respondent vide proceedings dated 14.12.2023. Hence, the petitioner sent a representation to the respondents on 23.01.2024. However, the same was not considered. Hence, he filed the present writ petition.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner will be considered in accordance with law.

5. It is seen that the cancellation of the legal heir certificate cannot be done without issuing notice or without giving an opportunity of hearing to the petitioner. The authorities ought to have conducted proper enquiry after considering the Will. Therefore, without going into the merits of the matter, the respondents are directed to conduct proper enquiry and find out the facts regarding issuance of the legal heirs certificate and thereafter, pass appropriate orders on the representation of the petitioner, dated 23.01.2024, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands disposed of. No

costs.

01.02.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Mudukulathur Taluk,
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V.BHAVANI SUBBAROYAN, J.

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